

[~116H8290]

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(Original Signature of Member)

117TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To implement title IX of the Education Amendments of 1972 with respect  
to elementary and secondary schools, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. CASTEN of Illinois introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_  
\_\_\_\_\_

**A BILL**

To implement title IX of the Education Amendments of  
1972 with respect to elementary and secondary schools,  
and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Stop Sexual Harass-  
5       ment in K–12 Act”.

6       **SEC. 2. TITLE IX COORDINATOR.**

7       (a) IN GENERAL.—For each local educational agency  
8       (as defined in section 8101 of the Elementary and Sec-

1      ondary Education Act of 1965 (8 U.S.C. 7801)) that re-  
2      ceives Federal financial assistance (as such term is defined  
3      in section 7501(a)(5) of title 31, United States Code), the  
4      following requirements shall apply as a condition on con-  
5      tinued receipt of such assistance:

6               (1) The recipient shall increase the number of  
7               full-time employees designated to serve as a Title IX  
8               Coordinator by at least one per—

9                       (A) 75,000 students in 7th grade or above  
10                      served by the recipient; and

11                     (B) 150,000 students in 6th grade or  
12                      below served by the recipient.

13               (2) The recipient shall ensure students and  
14               staff are made aware of these employees, their role,  
15               and the times at which they are available to meet.

16               (3) A Title IX Coordinator should not have any  
17               other school-related responsibilities that may create  
18               a conflict of interest, including serving in the school  
19               administrative leadership or local educational agency  
20               administrative leadership (such as serving as a prin-  
21               cipal, vice principal, headmaster, superintendent,  
22               board member, general counsel, athletics director,  
23               etc.).

24               (4) A Title IX Coordinator, along with a prin-  
25               cipal, campus security, bus driver, teacher, counselor

1 or social worker, affirmative action officer, coach, or  
2 any other staff member, shall be considered an “ap-  
3 propriate person” to whom to disclose sexual dis-  
4 crimination for purposes of the legal standards that  
5 enable private rights of action.

6 (b) DUTIES.—Each Title IX Coordinator for a local  
7 educational agency shall ensure the local educational agen-  
8 cy’s compliance under Federal policies against sex dis-  
9 crimination, including title IX of the Education Amend-  
10 ments of 1972 (20 U.S.C. 1681 et seq.), by doing the fol-  
11 lowing:

12 (1) Ensuring that every individual affected by  
13 the operations of the local educational agency, in-  
14 cluding students, parents, guardians, employees, and  
15 applicants for admission or employment, is aware of  
16 their rights under Federal, State, and local laws and  
17 policies against sex discrimination, including title IX  
18 of the Education Amendments of 1972 (20 U.S.C.  
19 1681 et seq.), and that the local educational agency  
20 and its employees comply with those laws and poli-  
21 cies, including receiving training on the laws and  
22 policies.

23 (2) Ensuring that notices of nondiscrimination,  
24 relevant policies and grievance procedures, and cur-  
25 rent contact information of all Title IX Coordinators

1 are disseminated broadly and in an age-appropriate  
2 manner accessible to all students, parents, guard-  
3 ians, and employees and applicants for admission or  
4 employment, including on school websites and in  
5 school handbooks.

6 (3) Monitoring complaints alleging discrimina-  
7 tion based on sex (including sexual orientation, gen-  
8 der identity, sex characteristics (including intersex  
9 traits), pregnancy, childbirth, a medical condition re-  
10 lated to domestic violence, dating violence, sexual as-  
11 sault, sexual violence, stalking, pregnancy or child-  
12 birth, and a sex stereotype), domestic violence, dat-  
13 ing violence, sexual assault, sexual violence, stalking,  
14 and sexual harassment, including supportive meas-  
15 ures offered to complainants and the outcomes of  
16 complaints.

17 (4) Identifying patterns of sex discrimination  
18 from complaints and addressing its impact on the  
19 school community.

20 (5) Coordinating dissemination, collection, and  
21 analysis of climate surveys, including the survey de-  
22 scribed in section 4, and identifying and proactively  
23 addressing sex discrimination in the local edu-  
24 cational agency based on the results of climate sur-  
25 veys.

1           (6) Overseeing age-appropriate annual sexual  
2 harassment prevention education and trainings to  
3 school employees and students and ensuring that  
4 prevention education and training is inclusive of di-  
5 verse communities and identities, informed by re-  
6 search, and conducted in partnership with local rape  
7 crisis centers, State sexual assault coalitions, or  
8 community organizations that work on addressing  
9 sex discrimination, including sexual harassment in  
10 schools.

11       (c) WAIVER AUTHORIZED.—

12           (1) IN GENERAL.—A recipient described in sub-  
13 section (a) may request a waiver from the Secretary  
14 of Education of one or more of the requirements  
15 under such subsection on the basis that the require-  
16 ment poses an insurmountable financial burden to  
17 the recipient and the recipient has been unable to se-  
18 cure sufficient grants under subsection (d).

19           (2) ALTERNATIVE PLAN.—The waiver process  
20 shall include requiring the recipient to submit an al-  
21 ternative plan for ensuring students are aware of  
22 their rights under title IX of the Education Amend-  
23 ments of 1972 (20 U.S.C. 1681 et seq.) and have  
24 access to a Title IX Coordinator. At the very min-  
25 imum within their alternative plan, the recipient

1       shall establish a partnership, through a memo-  
2       randum of understanding, with a local rape crisis  
3       center or a national or community-based organiza-  
4       tion that specializes in trauma or crisis management  
5       and support. The memorandum of understanding  
6       shall establish a clear delineation of the roles and re-  
7       sponsibilities of the partners, which shall also in-  
8       clude providing preventative training and supporting  
9       measures when addressing reports about incidents of  
10      campus sexual violence.

11           (3) FAILURE TO FOLLOW ALTERNATIVE  
12      PLAN.—If a recipient has such a waiver approved  
13      but does not follow their alternative plan, or the Sec-  
14      retary of Education deems their plan was insuffi-  
15      cient to prevent and respond to sexual harassment  
16      and assault, the Secretary shall take such action as  
17      may be appropriate to withhold Federal financial as-  
18      sistance. A waiver granted under this subsection  
19      shall be valid for 2 years.

20           (d) GRANTS.—To carry out this section, there are au-  
21      thorized to be appropriated to the Secretary of Education  
22      \$100,000,000 for grants to recipients described in sub-  
23      section (a) to offset the financial burden of satisfying the  
24      requirements of this section. In making grants under this  
25      subsection, priority shall be given to local educational

1 agencies that otherwise would face a high financial burden  
2 in fulfilling such requirements.

3 (e) DEFINITION.—In this section, the term “Title IX  
4 Coordinator” means the employee of a recipient of Federal  
5 financial assistance (as such term is defined in section  
6 7501(a)(5) of title 31, United States Code) with major  
7 responsibility for coordinating the recipient’s efforts to  
8 comply with its obligations under title IX of the Education  
9 Amendments of 1972 (20 U.S.C. 1681 et seq.).

10 **SEC. 3. GRANTS FOR TRAINING ON HOW TO RESPOND TO**  
11 **SIGNS OF SEXUAL HARASSMENT AND AS-**  
12 **SAULT OF STUDENTS.**

13 There are authorized to be appropriated to the Sec-  
14 retary of Education \$50,000,000 for grants to local edu-  
15 cational agencies (as defined in section 8101 of the Ele-  
16 mentary and Secondary Education Act of 1965 (8 U.S.C.  
17 7801)) to train elementary and secondary school teachers  
18 and other school staff on how to prevent, recognize, and  
19 respond to signs of sexual harassment and assault among  
20 students or between students and adults, as well as sexual  
21 grooming of students by adults at school.

22 **SEC. 4. CLIMATE SURVEYS.**

23 (a) SEXUAL VIOLENCE CLIMATE SURVEY.—

24 (1) IN GENERAL.—The Secretary of Education,  
25 in consultation with the Attorney General and the

1 Director of the Centers for Disease Control of the  
2 Department of Health and Human Services, shall  
3 develop an empirically validated sexual violence cli-  
4 mate survey to be conducted on an anonymous basis  
5 of elementary and secondary school students and  
6 staff not later than one year after the date of the  
7 enactment of this Act. The survey shall assess the  
8 occurrence on school property, during the preceding  
9 calendar year for which data is available, of in-  
10 stances of domestic violence, dating violence, sexual  
11 assault, sexual violence, sexual harassment, and  
12 stalking.

13 (2) REQUIREMENTS.—The survey tool devel-  
14 oped pursuant to this section—

15 (A) shall be fair and unbiased, be scientif-  
16 ically valid and reliable, meet the highest stand-  
17 ards of survey research, and notify the partici-  
18 pant that anonymized results of the survey may  
19 be published;

20 (B) shall ensure that the survey tool is  
21 readily accessible to, and usable by, individuals  
22 with disabilities; and

23 (C) shall ensure that the responses to the  
24 survey questions—

25 (i) are submitted confidentially;



1 (ii) are not included in crime statis-  
2 tics; and

3 (iii) in a case in which such responses  
4 are included in a report, do not include  
5 personally identifiable information.

6 (b) STATISTICS.—Beginning 18 months after the  
7 date of the enactment of this Act, such officials shall com-  
8 pile statistics based upon their analysis of the results of  
9 the survey. Such officials shall update, conduct, and com-  
10 pile the results of, the survey every 2 years thereafter. The  
11 compiled statistics should be disaggregated by local edu-  
12 cational agency, except that such disaggregation shall not  
13 be required in the case of a local educational agency of  
14 a size such that the results would reveal personally identi-  
15 fiable information about an individual student, in which  
16 case, an alternate basis for disaggregation shall be se-  
17 lected.

18 (c) PUBLIC AVAILABILITY.—The statistics compiled  
19 under subsection (b) shall be made publicly available on  
20 the website of the Department of Education and readily  
21 accessible to and usable by individuals, including individ-  
22 uals with disabilities.

23 (d) BIENNIAL REPORT.—Beginning not later than 2  
24 years after the date of the enactment of this Act, the Sec-  
25 retary of Education—

1           (1) shall prepare a biennial report on the infor-  
2           mation gained from the standardized elements of the  
3           survey under this section and publish such report in  
4           an accessible format on the website of the Depart-  
5           ment of Education, including as part of any online  
6           consumer tool offered or supported by the Depart-  
7           ment of Education that provides information to stu-  
8           dents regarding specific postsecondary educational  
9           institutions; and

10           (2) shall submit such report to the Congress.

11           (e) DEVELOPMENTALLY APPROPRIATE CONTENT.—  
12           The Secretary shall ensure that the survey questions vary  
13           between staff and students and for different age groups  
14           in order to ensure that the questions are developmentally  
15           appropriate.

16           (f) OPTION TO REPORT DEMOGRAPHIC INFORMA-  
17           TION.—The survey shall give students the option to report  
18           their demographic information.

19           (g) TOPICS.—Survey questions included in the survey  
20           tool developed pursuant to this section—

21           (1) shall be designed to gather information on  
22           student experiences with domestic violence, dating  
23           violence, sexual assault, sexual harassment, and  
24           stalking, including the experiences of victims of such  
25           incidents;

1           (2) shall use trauma-informed language to pre-  
2       vent re-traumatization; and

3           (3) subject to subsection (e), shall address—

4               (A) whether the instances domestic vio-  
5       lence, dating violence, sexual assault, sexual vio-  
6       lence, sexual harassment, and stalking de-  
7       scribed were experienced in-person or through  
8       electronic means;

9               (B) the effectiveness of school sexual vio-  
10      lence awareness and prevention programs and  
11      policies for the overall student body and dif-  
12      ferent student populations, such as students of  
13      color, students in the LGBTQ communities, im-  
14      migrant students, pregnant and parenting stu-  
15      dents, and students with disabilities;

16              (C) the effectiveness of current processes  
17      for complaints on and investigations into sex-  
18      based, race-based, national origin-based, sexual  
19      orientation-based, gender identity-based, and  
20      disability-based harassment, assault, discrimi-  
21      nation, domestic violence, dating violence, and  
22      stalking;

23              (D) students' awareness of school policies  
24      and procedures, including—

1 (i) the location and process for access-  
2 ing school resources, such as a Title IX  
3 Coordinator designated by the school pur-  
4 suant to title IX of the Education Amend-  
5 ments of 1972 (20 U.S.C. 1681 et seq.);  
6 and

7 (ii) processes for remote learning;

8 (E) whether individuals impacted by sexual  
9 harassment, sexual violence, discrimination, do-  
10 mestic violence, dating violence, and stalking  
11 have experienced negative effects on their edu-  
12 cation, including diminished grades, dropped  
13 classes, or leaves of absence;

14 (F) what training is being provided to  
15 teachers and staff on policies and procedures  
16 pertaining to sexual harassment, sexual vio-  
17 lence, discrimination, domestic violence, dating  
18 violence, sexual grooming, and stalking, includ-  
19 ing best practices in prevention;

20 (G) whether the perpetrator of sexual har-  
21 assment, sexual violence, discrimination, domes-  
22 tic violence, dating violence, and stalking was a  
23 student, school employee, or volunteer and  
24 other contextual factors;

1 (H) whether individuals impacted by sex-  
2 ual harassment, sexual violence, discrimination,  
3 domestic violence, dating violence, and stalking  
4 reported or did not report such sexual harass-  
5 ment, sexual violence, discrimination, domestic  
6 violence, dating violence, and stalking;

7 (I) if such an individual did so report, to  
8 whom they reported, and what response the  
9 survivor received to include being informed of,  
10 or referred to, national, State, local, tribal, or  
11 resources;

12 (J) if such an individual reported to the  
13 school—

14 (i) did the school conduct an inves-  
15 tigation;

16 (ii) if an investigation was conducted,  
17 how long did the investigation take; and

18 (iii) if an investigation was conducted,  
19 what was the final resolution of the inves-  
20 tigation;

21 (K) if such an individual did so report,  
22 whether they experienced retaliation following  
23 the reporting;

24 (L) school community members', such as  
25 students, full-time and part-time staff and fac-

1           ulty, and administration officials, attitudes to-  
2           ward sexual violence and harassment, including  
3           individuals' willingness to intervene as a by-  
4           stander of sex-based, race-based, national ori-  
5           gin-based, sexual orientation-based, gender  
6           identity-based, and disability-based discrimina-  
7           tion, harassment, assault, domestic violence,  
8           dating violence, and stalking;

9           (M) school community members', such as  
10          students, full-time and part-time staff and fac-  
11          ulty, and administration officials, perception of  
12          school safety and confidence in the school's abil-  
13          ity to appropriately address sex-based, race-  
14          based, national origin-based, sexual orientation-  
15          based, gender identity-based, and disability-  
16          based discrimination, harassment, assault, do-  
17          mestic violence, dating violence, and stalking;  
18          and

19          (N) any other issues relating to sex-based,  
20          race-based, national origin-based, sexual ori-  
21          entation-based, gender identity-based, and dis-  
22          ability-based discrimination, harassment, as-  
23          sault, domestic violence, dating violence, and  
24          stalking, as appropriate.

1 (h) ADDITIONAL TOPICS.—States and local edu-  
2 cational agencies may add additional questions to the sur-  
3 vey as they determine appropriate.

4 (i) FEDERAL ADMINISTRATION.—

5 (1) IN GENERAL.—The Secretary of Education,  
6 in consultation with the Attorney General, the Direc-  
7 tor of the Centers for Disease Control and Preven-  
8 tion, and the Secretary of Health and Human Serv-  
9 ices, shall develop a mechanism by which local edu-  
10 cational agencies may, with respect to the survey  
11 tool developed pursuant to this section—

12 (A) administer such survey tool; and

13 (B) modify such survey tool to include ad-  
14 ditional elements or requirements, as deter-  
15 mined by the agency, subject to the review and  
16 approval of the Secretary of Education.

17 (2) ACCESSIBILITY.—The Secretary of Edu-  
18 cation shall ensure that the survey tool is adminis-  
19 tered in such a way as to be readily accessible to  
20 and usable by individuals with disabilities.

21 (j) INSTITUTIONAL ADMINISTRATION.—Beginning  
22 not later than 1 year after the date on which the Secretary  
23 of Education makes available to local educational agencies  
24 the mechanism described in subsection (i)(1), and every  
25 2 years thereafter, each local educational agency (as de-

1    fined in section 8101 of the Elementary and Secondary  
2    Education Act of 1965 (8 U.S.C. 7801)) that receives  
3    Federal financial assistance (as such term is defined in  
4    section 7501(a)(5) of title 31, United States Code) shall  
5    administer the survey tool developed pursuant to this sec-  
6    tion.

7           (k) COMPLETED SURVEYS.—The Secretary of Edu-  
8    cation shall require each local educational agency that ad-  
9    ministers the survey tool developed pursuant to this sec-  
10   tion to ensure, to the maximum extent practicable, that  
11   an adequate, random, and representative sample size of  
12   students (as determined by the Secretary) enrolled at ele-  
13   mentary and secondary schools under the jurisdiction of  
14   the agency complete the survey tool developed pursuant  
15   to this section.

16           (l) AUTHORIZATION OF APPROPRIATIONS.—There  
17   are authorized to be appropriated \$10,000,000 to carry  
18   out this section.

19   **SEC. 5. RULE OF CONSTRUCTION.**

20           Nothing in this Act shall be construed to preempt,  
21   invalidate, or limit rights, remedies, procedures, or legal  
22   standards available to victims of discrimination or retalia-  
23   tion under any other Federal law or law of a State or polit-  
24   ical subdivision of a State, including title VI of the Civil  
25   Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX



1 of the Education Amendments of 1972 (20 U.S.C. 1681  
2 et seq.), section 504 of the Rehabilitation Act of 1973 (29  
3 U.S.C. 794), the Americans with Disabilities Act of 1990  
4 (42 U.S.C. 12101 et seq.), or section 1979 of the Revised  
5 Statutes (42 U.S.C. 1983). The obligations imposed by  
6 this Act are in addition to those imposed by title IX of  
7 the Education Amendments of 1972 (20 U.S.C. 1681 et  
8 seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C.  
9 2000d et seq.), title VII of the Civil Rights Act of 1964  
10 (42 U.S.C. 2000e et seq.), and the Americans with Dis-  
11 abilities Act of 1990 (42 U.S.C. 12101 et seq.).

12 **SEC. 6. SENSE OF CONGRESS.**

13 It is the sense of the Congress that it is valuable for  
14 students to have access to confidential reporting of sexual  
15 harassment and abuse, and schools should attempt to pro-  
16 vide that to the extent possible in accordance with State  
17 and local laws.

18 **SEC. 7. EFFECTIVE DATE.**

19 Unless otherwise provided in this Act, this Act shall  
20 take effect 1 year after the date of the enactment of this  
21 Act.